

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated July 27, 2005. Claims 1-65 are pending. Claims 1-18, 23, 29-57, and 62-65 are rejected. Claims 19-22 and 24-28 are objected to. Claims 58-61 are allowed. Claims 1, 19, 24, 46, 48, 57, and 62 have been amended. Claim 65 has been canceled. Accordingly, claims 1-64 remain pending in the present application.

Claims 1-3, 7, 10, 11, 13, 14, 36, 39-42, and 46

Claims 1-3, 7, 10, 11, 13, 14, 36, 39-42, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin, Jr. et al. The Examiner states:

Martinez discloses an illumination device comprising shell with plural sides 14, 52, light emitter 27 inside shell for emitting light through plural sides of the shell, except for means for attaching to a surface from sides of the shell.

Anglin teaches desirability of using means 76 to secure to a shell of an illumination device to attach to other surfaces.

It would have been obvious to use attachment means as suggested by Anglin in conjunction with an illumination device as disclosed by Martinez, in order to allow the illumination device to be attached to other devices so it would not have to have been continuously held.

Applicant respectfully disagrees as to the claims as amended. The present invention provides an illumination device comprising a shell and at least one light-emitting device within the shell, where when the device is positioned upon a surface or attached or suspended at any of the plurality of sides of the shell, light from the at least one light-emitting device emits through all of the plurality of sides of the shell. (Please see Figures 1A through 1G and their accompanying text.)

In contrast, light emits through less than all of the plurality of sides of the signal disclosed by Martinez. The signal in Martinez emits light only from the front and back sides (14, 52).

Neither the "left" nor the "right" sides (unmarked) of the signal emits light.

Thus, Martinez in view of Anglin does not teach or suggest the present invention as recited

in amended independent claims 1 and 46. Claims 1 and 46 are thus allowable over Martinez in view of Anglin. Applicant submits that claims 2-3, 7, 10, 13, 14, 36, and 39-42 are allowable because they depend upon these allowable base claims.

Claims 4-5

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin, Jr. et al. and Moore.

Applicant submits that claims 4-5 are patentable when read in combination with their corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1, apply here with equal force. Thus, even if Moore discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Moore still does not teach or suggest the present invention as recited in the combination of claims 1 and 4-5. Claims 4-5 are thus allowable because they depend upon allowable base claim 1.

Claims 6 and 12

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Parashar.

Applicant submits that claims 6 and 12 are patentable when read in combination with their corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1, apply here with equal force. Thus, even if Parashar discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Parashar still does not teach or suggest the present invention as recited in the combination of claims 1 and 6, and the combination of claims 1 and 12. Claims 6 and 12 are thus allowable because they depend upon allowable base claim 1.

Claims 43

Claims 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view

of Anglin and Lenz.

Applicant submits that claim 43 is patentable when read in combination with its corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1, apply here with equal force. Thus, even if Lenz discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Lenz still does not teach or suggest the present invention as recited in the combination of claims 1 and 43. Claim 43 is thus allowable because it depends upon allowable base claim 1.

Claims 8, 15-17, 18 and 23

Claims 8, 15-17, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Laszlo.

Applicant submits that claims 8, 15-17, 18, and 23 are patentable when read in combination with their corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1, apply here with equal force. Thus, even if Laszlo discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Laszlo still does not teach or suggest the present invention as recited in the combination of claims 1 and 8, the combination of claims 1 and 15-18, and the combination of claims 1 and 23. Claims 8, 15-17, 18, and 23 are thus allowable because they depend upon allowable base claim 1.

Claim 9

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Turboflare.

Applicant submits that claim 9 is patentable when read in combination with its corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1, apply here with equal force. Thus, even if Turboflare discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Turboflare still

does not teach or suggest the present invention as recited in the combination of claims 1 and 9.

Claim 9 is thus allowable because it depends upon allowable base claim 1.

Claims 29-35, 47 and 62-65

Claims 29-35, 47 and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Bond.

Applicant submits that claims 29-35 and 47 are patentable when read in combination with their corresponding amended independent claims 1 and 46. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claims 1 and 46, apply here with equal force. Thus, even if Bond discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Bond still does not teach or suggest the present invention as recited in the combination of claims 1 and 29-35, and the combination of claims 46 and 47. Claims 29-35 and 47 are thus allowable because they depend upon allowable base claims 1 and 46.

Applicant's arguments above concerning Martinez in view of Anglin as applied to claims 1 and 46 apply to the rejection of amended independent claim 62 with equal force. For the sake of brevity, these arguments are not repeated here. Applicant submits that claim 62 is allowable over Martinez in view of Anglin and Bond. Applicant further submits that claims 63-64 are allowable because they dependent upon allowable base claim 62.

Claim 37

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Morgenthaler.

Applicant submits that claim 37 is patentable when read in combination with its corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1 apply here with equal force. Thus, even if Morgenthaler discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Morgenthaler

still does not teach or suggest the present invention as recited in the combination of claims 1 and 37. Claim 37 is thus allowable because it depends upon allowable base claim 1.

Claims 38 and 45

Claims 38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Campman.

Applicant submits that claims 38 and 45 are patentable when read in combination with their corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1 apply here with equal force. Thus, even if Campman discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Campman still does not teach or suggest the present invention as recited in the combination of claims 1 and 38, and the combination of claims 1 and 45. Claims 38 and 45 are thus allowable because they depend upon allowable base claim 1.

Claims 44, 48-50, and 52-56

Claims 44, 48-50, and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin and Pieroway.

Applicant submits that claim 44 is patentable when read in combination with its corresponding amended independent claim 1. Applicant's arguments above concerning Martinez in view of Anglin, as applied to claim 1 apply here with equal force. Thus, even if Pieroway discloses the limitations as argued by the Examiner, Martinez in view of Anglin and Pieroway still does not teach or suggest the present invention as recited in the combination of claims 1 and 44. Claim 44 is thus allowable because it depends upon allowable base claim 1.

Applicant's arguments above concerning Martinez in view of Anglin as applied to claims 1 and 46 apply to the rejection of amended independent claim 48 with equal force. For the sake of brevity, these arguments are not repeated here. Applicant submits that claim 48 is allowable over

Martinez in view of Anglin and Pieroway. Applicant further submits that claims 49-50 and 52-56 are allowable because they dependent upon allowable base claim 48.

Claim 51

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Anglin, Pieroway and Laszlo.

Applicant submits that claim 51 is patentable when read in combination with its corresponding amended independent claim 48. Applicant's arguments above concerning Martinez in view of Anglin and Pieroway, as applied to claim 48 apply here with equal force. Thus, even if Laszlo discloses the limitations as argued by the Examiner, Martinez in view of Anglin, Pieroway, and Laszlo still does not teach or suggest the present invention as recited in the combination of claims 48 and 51. Claim 51 is thus allowable because it depends upon allowable base claim 48.

Claim 57

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Laszlo et al. The Examiner states, "The claim is rejected for the same reasons as set forth previously with regard to claims 1 and 8."

Applicant's arguments above concerning Martinez as applied to claim 1 apply to the rejection of amended independent claim 57 with equal force. For the sake of brevity, these arguments are not repeated here. Applicant submits that claim 57 is allowable over Martinez in view of Laszlo.

Claims 58-61

Claims 58-61 are allowed. Applicant appreciates the allowance of these claims.

Claims 19-22 and 24-26

Claims 19-22 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claims and any intervening claims.

Accordingly, Applicant has amended claim 19 to recite the limitations of claims 1,13, 15, and 19. Applicant has also amended claim 24 to recite the limitations of claims 1 and 24.

Applicant submits that amended claims 19 and 24 are allowable, and that claims 20-22 and 25-28 are also allowable because they depend upon allowable base claims 19 or 24.

Conclusion

In view of the foregoing, Applicant submits that claims 1-64 are patentable over the cited references. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

The prior art made of record and not relied upon has been reviewed and does not appear to be any more relevant than the applied references.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
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